

## INFORMATION DISCLOSURE STATEMENT

Applicant : Sircar et al.  
App. No : 10/821,667  
Filed : April 9, 2004  
For : IMIDAZOLE DERIVATIVES FOR  
TREATMENT OF ALLERGIC AND  
HYPERPROLIFERATIVE  
DISORDERS  
Examiner : Stockton, Laura Lynne  
Art Unit : 1626

## CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

January 8, 2007

(Date)

  
Agnes Juang, Ph.D., Reg. No. 55,310

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Enclosed for filing in the above-identified application is a PTO/SB/08 Equivalent listing 99 references to be considered by the Examiner. Also enclosed are 55 foreign patent references and/or non-patent literature as listed on the Information Disclosure Statement.

References EP 0 694 535, WO 09/856761, WO 00/26192, WO 00/29384, WO 00/68206, WO 00/32579, WO 00/64878, WO 01/12169, WO 01/14342, WO 02/72539 and WO 02/72574 are the PCT or European equivalents of the references cited by the Chilean Patent Office in the Chilean counterpart of a related application. These references are Chilean applications, and since they are not readily available, and not in English, their PCT, European or U.S. application/patent equivalents are submitted instead. For those PCT or European applications equivalents that are not in English, no U.S. patent or application equivalents are available. However, English abstracts are available in these applications. Applicants will have the non-English applications translated upon request. Reference CL 1693-2000 is also a Chilean application cited in the Chilean Search Report; however we have not been able to identify its counterpart application(s) based on the priority information provided by our foreign associate in Chile. The Chilean references and their corresponding PCT, European or U.S. applications/patents are provided herein.

Appl. No. : 10/821,667  
Filed : April 9, 2004

Docket No. AVANIR.124A  
Customer No. 20,995

Chilean Application	PCT/EU/US Equivalents
CL 2666-1999	WO 00 29384
CL 2505-1999	WO 00 26192
CL 631-1995	EP 0 694 535
CL 2512-1998	WO 98 47890
CL 1119-2000	WO 00 68206
CL 2771-1999	WO 00 32579 (German)
CL 969-2000	WO 00 64878 (German)
CL 2184-2000	WO 01 12169
CL 1286-1998	WO 98 56761 (German)
CL 2215-2000	WO 01 14342 (German)
CL 457-2002	WO 02 72539 (German)
CL 467-2002	WO 02 72574
CL 148-1996	US 5,935,983
CL 1693-2000	Not available

Cite numbers 73-79 on the PTO SB/08 identify several co-pending applications filed by Applicant. Applicant directs the Examiner to these applications to consider whether the subject matter claimed, now or as may be amended in the future, as well as the associated prosecution history, now or in the future, may be relevant to the patentability of the present application (e.g., for reasons of obviousness-type double patenting). Applicant believes that the Examiner has access to the applications and associated file histories through the Patent Office (e.g., the IFW system). Accordingly, Applicant has not provided copies of these applications or their associated file histories, but would be happy to do so, now or in the future, should the Examiner so request.


This Information Disclosure Statement is being filed within three months of the filing date, with an RCE or before receipt of a first office action after an RCE and no fee is required.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 1/8/07

By:   
Agnes Juang, Ph.D.  
Registration No. 55,310  
Attorney of Record  
Customer No. 20,995  
(949) 760-0404

3277641/lhg  
010507

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Multiple sheets used when necessary)

SHEET 1 OF 5

Application No. 10/821,667

Filing Date April 9, 2004

First Named Inventor Sircar et al.

Art Unit 1626

Examiner Stockton, Laura Lynne

Attorney Docket No. AVANIR.124A

## U.S. PATENT DOCUMENTS

Examiner's Initials	Page No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	1.	US 4,510,158	4-9-1985	Bailey	
	2.	US 4,582,837	4-15-1986	Hauel et al.	
	3.	US 4,696,931	9-29-1987	Hauel et al.	
	4.	US 5,017,467	5-1-1991	Masukawa et al.	
	5.	US 5,124,336	6-23-1992	Bru-Magniez, et al.	
	6.	US 5,322,847	6-21-1994	Marfat et al.	
	7.	US 5,643,893	7-1-1997	Benson et al.	
	8.	US 5,821,258	10-13-1998	Matsunanaga, et al.	
	9.	US 5,935,983	8-10-1999	Muller-Gliemann et	
	10.	US 6,093,728	7-25-2000	McMahon et al.	
	11.	US 6,100,283	8-8-2000	Griffin, et al.	
	12.	US 6,100,282	8-8-2000	Alig, et al.	
	13.	US 6,153,631 A	11-28-2000	Petrie et al.	
	14.	US 6,271,390 B1	8-7-2001	Sircar et al.	
	15.	US 6,303,645 B1	10-16-2001	Sircar et al.	
	16.	US 2002/0010343	1-24-2002	Sircar et al.	
	17.	US 6,369,091 B1	4-9-2002	Sircar et al.	
	18.	US 6,387,938 B1	5-14-2002	Mizuguchi et al.	
	19.	US 6,451,829	9-17-2002	Sircar et al.	
	20.	US 2002/0132808	9-19-2002	Sircar et al.	
	21.	US 6,486,153	11-26-2002	Castro Pineiro, et al.	
	22.	US 2003/0004203	1-2-2003	Sircar et al.	
	23.	US 6,503,938	1-7-2003	Von Angerer, et al.	
	24.	US 6,509,365	1-21-2003	Lubisch, et al.	
	25.	US 6,537,994	3-25-2003	Ashwell et al.	
	26.	US 2003/0100582	5-29-2003	Sircar et al.	
	27.	US 2004/0116466	6-17-2004	Sircar et al.	

Examiner Signature

Date Considered

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

T<sup>1</sup> - Place a check mark in this area when an English language Translation is attached.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>	Application No.	10/821,667
	Filing Date	April 9, 2004
	First Named Inventor	Sircar et al.
	Art Unit	1626
(Multiple sheets used when necessary)	Examiner	Stockton, Laura Lynne
SHEET 2 OF 5	Attorney Docket No.	AVANIR.124A

U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No.	Document Number Number - Kind Code (if known) Example: 1,234,567 B1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
	28.	US 6,759,425	7-6-2004	Sircar et al.	
	29.	US 2004/0180946	9-16-2004	Sircar et al.	
	30.	US 2004/0214821	10-28-2004	Sircar et al.	
	31.	US 2005/0075343	4-7-2005	Sircar et al.	
	32.	US 6,911,462	6-28-2005	Sircar et al.	
	33.	US 6,919,366	7-19-2005	Sircar et al.	
	34.	US 2005/0197375	9-8-2005	Sircar et al.	
	35.	US 2005/0256179	11-17-2005	Sircar et al.	
	36.	US 2005/0277686	12-15-2005	Sircar et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No.	Foreign Patent Document Country Code-Number-Kind Code Example: JP 1234567 A1	Publication Date MM-DD-YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T <sup>1</sup>
	37.	EP 0 221 146	05-13-1987	Ryskamp		
	38.	EP 0 221 346	05-13-1987	Conner et al.		
	39.	EP 0 232 199	08-12-1987	Shroot et al.		
	40.	EP 0 353 606 A2	02-07-1990	Nakayama et al.		
	41.	EP 0 385 850 A2	09-05-1990	Bru-Magniez et al.		
	42.	EP 0 469 477 A1	02-05-1992	O'Donnell et al.		
	43.	EP 0 497 564 A1	08-05-1992	Ashton et al.		
	44.	EP 0 694 535	01-31-1996	Bruns et al.		
	45.	EP 0 700 906 A1	03-13-1996	Watson et al.		
	46.	EP 0 719 765 A2	07-03-1996	Matsunaga et al.		
	47.	EP 1 077 700	2-28-2001	Sircar et al.		
	48.	EP 1 125 936 A2	8-22-2001	Goldstein et al.		
	49.	EP 1 123 295	8-16-2001	Harris et al.		
	50.	WO 89 06975	8-10-1989	Coffman et al.		

Examiner Signature	Date Considered
--------------------	-----------------

\*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

T<sup>1</sup> - Place a check mark in this area when an English language Translation is attached.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>	Application No.	10/821,667
	Filing Date	April 9, 2004
	First Named Inventor	Sircar et al.
	Art Unit	1626
(Multiple sheets used when necessary)	Examiner	Stockton, Laura Lynne
SHEET 3 OF 5	Attorney Docket No.	AVANIR.124A

### FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No.	Foreign Patent Document Country Code-Number-Kind Code Example: JP 1234567 A1	Publication Date MM-DD- YYYY	Name of Patentee or Applicant	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear	T <sup>1</sup>
	51.	WO 90 09989	9-7-1990	Makovek et al.		
	52.	WO 92 02500	2-20-1992	Hasegawa et al.		
	53.	WO 93 25517	12-23-1993	Beeley et al.		
	54.	WO 98 17267	04-30-1998	Orme et al.		
	55.	WO 98 47890	10-29-1998	Carter et al.		
	56.	WO 98 56761	12-17-1998	Drach et al.		
	57.	WO 99 61013	12-2-1999	Sircar et al.		
	58.	WO 99 61019	12-2-1999	Sircar et al.		
	59.	WO 99 61020	12-2-1999	Sircar et al.		
	60.	WO 00 26192	05-11-2000	Lubisch et al.		
	61.	WO 00 29384	05-25-2000	Lubisch et al.		
	62.	WO 00 68206	11-16-2000	Lubisch et al.		
	63.	WO 00 32579	06-08-2000	Lubisch et al.		
	64.	WO 00 64878	11-02-2000	Lubisch et al.		
	65.	WO 01 12169	02-22-2001	Camden		
	66.	WO 01 14342	03-01-2001	Anderskewitz et al.		
	67.	WO 02 072539	09-19-2002	Haning et al.		
	68.	WO 02 072574	09-19-2002	Filliers et al.		
	69.	WO 02 72090	9-19-2002	Sircar et al.		
	70.	WO 04 024896	3-25-2004	Sircar et al.		
	71.	SU 1316559	6-21-1983	KhaueI et al.		
	72.	CL 1693-2000	2000	Chile		

Examiner Signature	Date Considered
<b>*Examiner:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

T<sup>1</sup> - Place a check mark in this area when an English language Translation is attached.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>	Application No.	10/821,667
	Filing Date	April 9, 2004
	First Named Inventor	Sircar et al.
	Art Unit	1626
(Multiple sheets used when necessary)	Examiner	Stockton, Laura Lynne
SHEET 4 OF 5	Attorney Docket No.	AVANIR.124A

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>1</sup>
	73.	Related pending U.S. Patent Application No. 10/661,139, filed September 12, 2003. Title: Phenyl-Indole Compounds for Modulating IgE and Inhibiting Cellular Proliferation. Inventors: Jagadish C. Sircar et al.	
	74.	Related pending U.S. Patent Application No. 10/661,296, filed September 12, 2003. Title: Phenyl-Aza-Benzimidazole Compounds for Modulating IgE and Inhibiting Cellular Proliferation. Inventors: Jagadish C. Sircar et al.	
	75.	Related pending U.S. Patent Application No. 10/795,006, filed March 5, 2004. Title: Benzimidazole Compounds for Modulating IgE and Inhibiting Cellular Proliferation. Inventors: Jagadish C. Sircar et al.	
	76.	Related pending U.S. Patent Application No. 10/915,722, filed August 9, 2004. Title: Selective Pharmacologic Inhibition of Protein Trafficking and Related Methods of Treating Human Diseases. Inventors: Jagadish C. Sircar et al.	
	77.	Related pending U.S. Patent Application No. 10/508,968, filed September 24, 2004. Title: Use of Benzimidazole Analogs in the Treatment of Cell Proliferation. Inventors: Jagadish C. Sircar et al.	
	78.	Related pending U.S. Patent Application No. 10/951,515, filed September 28, 2004. Title: Benzimidazole Derivatives as Modulators of IgE. Inventors: Jagadish C. Sircar et al.	
	79.	Related pending U.S. Patent Application No. 11/168,711, filed June 28, 2005. Title: Benzimidazole Compounds for Regulating IgE. Inventors: Jagadish C. Sircar et al.	
	80.	Manecke et al., Über Polyamide mit 2,4-Imidazolidiyl-Bausteinen, Die Makromolekulare Chemie 176, pgs. 3551-3563 (1975), 4/29/1975, Institut für Organische Chemie der Freien Universität Berlin, D-1 Berlin 33	
	81.	Cheney B V, et al., "Structure-activity Correlations for a Series of Antiallergy Agents. 3. Development of a Quantitative Model," Journal of Medicinal Chemistry, vol. 26, No. 5, 1983, pp. 726-737.	
	82.	Pozdnyakov et al., "Mass Spectrometric Study of Dissociative Ionization of Low-molecular Models of Aromatic Polyamides," Khim. Vys. Energ. (1987), 21(1), 38-44 Coden; Khvkao; ISSN: 0023-1193, 1987.	
	83.	English language abstract of Pozdnyakov, et al. (1987) "Mass spectrometric study of dissociative ionization of low-molecular models of aromatic polyamides," Vol. 21 (1), pages 38-44.	
	84.	Database Crossfire Beilstein 'Online!, Beilstein Institut zur Förderung der Chemischen Wissenschaften, Frankfurt am Main, DE; Beilstein Registry Number 563073 & Khim. Farm. ZH., Vol. 22, No. 6, 1988, pgs. 697-699.	
	85.	Karag'ozov S, "Synthesis of N-acyl Derivatives of 6-amio-1-4-benzodioXane," STN International, Vol. 39, No. 1989 pp. 5-8, Abstract only.	
	86.	Masukawa et al., Calplus 111:31259 (EP 304856, 3/1/89)	
	87.	Denny W A et al., "Potential antitumor agents. 59. Structure-activity relationships for 2-phenylbenzimidazole-4-carboXamides, a new class of "minimal" DNA-intercalating agents which may not act via topoisomerase II", Journal of Medicinal Chemistry, Vol. 33, No. 2, February 1990, pgs. 814-819.	

Examiner Signature	Date Considered
<b>*Examiner:</b> Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.	

T<sup>1</sup> - Place a check mark in this area when an English language Translation is attached.

<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>	Application No.	10/821,667
	Filing Date	April 9, 2004
	First Named Inventor	Sircar et al.
	Art Unit	1626
(Multiple sheets used when necessary)	Examiner	Stockton, Laura Lynne
SHEET 5 OF 5	Attorney Docket No.	AVANIR.124A

### NON PATENT LITERATURE DOCUMENTS

Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>1</sup>
	88.	Yildir I, "Synthesis of 32-(substitutephenyl) Benzimidazole Derivatives and their Sedative Activity: Structure-activity Relationships," Journal FaX. Pharm. Gazi Uni., Vol. 7, No. 2, 1990, pp. 111-114	
	89.	Timothy F. Gallagher, et al., "2,4,5-Triarylimidazole Inhibitors of IL-1 Biosynthesis," Bioorganic & Medicinal Chemistry Letters, Vol. 5, No. 11, pp. 1171-1176, 1995	
	90.	Ashton et al., "New Low-Density Lipoprotein Receptor Upregulators Acting via a Novel Mechanism," Journal of Medicinal Chemistry, Vol. 39, Jan. 1, 1996, pp. 3343-3356.	
	91.	Krieg et al., ber einige neue Imidazolderivate, Chem. Ber. 100, pgs. 4042 - 4049 (1967), 6/28/97, Jahrg. 100, Aus dem Institut für Organische Chemie der Freien Universität Berlin, Berlin-Dahlem	
	92.	Kreimeyer A et al., "Suramin analogues with a 2-phenylbenzimidazole moiety as partyal structure; potential anti HIV-and angiostic drugs, 2: Sulfanilic acid, benzendisulfonic, and naphthalenetrisulfonic acid analogues" Archi Der Pharmazie, Vol. 331, no. 3, March 1998, pgs. 97-103.	
	93.	Japanese Application No. 10273013, entitled Antagonist for Gonadotrophic Hormone-Releasing Hormone, filed on September 28, 1998, English abstract only.	
	94.	Database Caplus 'Online! Chemical Abstracts Service, Columbus, Ohio, US; Databse accession no. 2000:214835 & JP 2000 095767 (Takeda Chemical Industries, Ltd.), April 4, 2000.	
	95.	White A W et al., "Resistance-modifying agents. 9. Synthesis and biological properties of benzimidazole inhibitors of the DNA repair enzyme poly(ADP-ribose) polymerase", Journal of Medicinal Chemistry, Vol. 43, No. 2, November 2, 2000, pgs. 4084-4097.	
	96.	Chilean Office Action with Search Report for the Chilean counterpart of the U.S. Patent Application No. 10/795,006.	
	97.	Chemical structure database (CA, CAPLUS, CHEMCATS) search results for bis-5,4'-dibenzanilide-2-phenylbenzimidazole (Registry Number 98806-53-2)	
	98.	Farina, et al., IL Farmaco, 2001, "Novel bone antiresorptive agents that selectively inhibit the osteoclast V-H+-ATPase", Vol. 56, pp. 113-116.	
	99.	Viscardi et al., Journal of Heterocyclic Chemistry, 1990, "Heterocyclic X-azolopyridine intermediates", Vol. 27, pp. 1825-9.	

3277013/lbg  
010507

Examiner Signature	Date Considered
<p>*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.</p> <p>- Place a check mark in this area when an English language Translation is attached.</p>	